



Save The Bay Center
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March 10, 2011

Ms. Thelma Murphy
U.S. EPA – Region 1
Murphy.thelma@epa.gov

RE: *Proposed NPDES General Permit for Small IMS4s in the
MA Interstate, Merrimack and South Coastal Watersheds*

Comments of John Torgan, Narragansett Baykeeper, Save The Bay, RI

In Support of USEPA's Draft Massachusetts Interstate, Merrimack and South Coastal Small Municipal Stormwater (MS4) General Permit

Dear Ms. Murphy,

Thank you for this opportunity to comment in support of USEPA's Draft Massachusetts Interstate, Merrimack and South Coastal Small Municipal Stormwater (MS4) General Permit. My name is John Torgan and I am writing on behalf of Save The Bay, Southeastern New England's largest non-profit environmental organization dedicated to protecting Narragansett Bay, its watershed, and adjacent coastal waters.

While the vast majority of Narragansett Bay is in Rhode Island, more than 60% of its watershed is located in Massachusetts and specifically in the Interstate and South Coastal watersheds which are subject to this draft permit. The Blackstone and Taunton Rivers together comprise the majority of freshwater flow into the Narragansett Bay estuary, and we have long recognized the importance of these rivers to the ecology, economy, and quality of life to upstream and downstream communities alike.

If stormwater pollution accounts for more than 60% of the pollution problem in Massachusetts waters, Rhode Island is no better off, and we know that stormwater represents one of the greatest threats to the ecological health and public usage of waters in Southern New England. Bacteria pollution from stormwater closes public swimming beaches and shellfish grounds, impacting tourism and the seafood industries. Nutrient pollution is made worse by stormwater too, as sewage, fertilizers, nitrogen, phosphorus and other chemicals are washed into the surface waters in storms. Plastics, litter and trash also are delivered to Rhode Island's shores and beaches by stormwater.

In general, the Draft General Permit represents a significant improvement over the existing (2003) regulations and, if implemented and enforced, would provide considerable pollution reductions and related environmental benefits to the public in Massachusetts and Rhode Island.

While we strongly support this draft permit, Save The Bay was disappointed to see that, apparently in response to pressure from MA DEP, industry groups, and municipalities,



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EPA has weakened an important provision that had been included in the North Coastal Watersheds, which required new development and redevelopment projects of **one or more acres** to meet five of DEP's Stormwater Standards for New and Redevelopment.

This proposed General Permit for Interstate, Merrimack, and South Coastal Watersheds General Permit would only require projects that result in **two or more acres** of impervious surface to comply with those standards. By reducing the number of projects subject to these standards, the effectiveness of the Draft General Permit is greatly diminished. This will also increase costs to municipalities for stormwater treatment. Despite this weakened language, Save The Bay believes that the draft permit contains a number of important provisions to require or encourage local, state, and federal agencies to find and eliminate illicit tie-ins, conduct monitoring and public reporting, and other best management practices.

Save The Bay also supports including strong public education and outreach components of the program targeted at residents, businesses, schools, and other property owners. We have successfully coordinated storm drain marking programs for many coastal communities in Rhode Island and it is an effective way to engage volunteers and educate residents about how pollution and litter on the ground finds its way into our rivers and coastal waters.

There are several key elements to making the approach posed in the Draft General Permits successful:

- **Implementation:** With the one exception noted on the acreage threshold, Save The Bay believes the substantive provisions of the draft permit are all valid and worthy of pursuing. How it is implemented, including the timelines, monitoring provisions, reporting requirements, and agency support for the regulated entities and municipalities are all important.
- **Enforcement:** The permits must have the force of law and must be enforced consistently and fairly across the regulated communities.
- **Consistent Regional application:** Save The Bay understands that this is a draft permit, and that EPA is seeking feedback and wants to implement it before attempting to prescribe it for a broader region. However, Rhode Island is a delegated state still subject to the 2003 permit. While RI has recently developed a progressive Stormwater Manual of Best Management Practices and Low Impact Design standards, this does not yet represent enforceable regulation. We believe it makes sense, as a practical matter, for the entire Narragansett Bay watershed to be subject to uniform federal standards. This draft permit may provide a benchmark for that.



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- Public Education and Outreach: As previously mentioned, public education and outreach are key to the success of any stormwater pollution control program.

The draft general permit should also include performance standards based on Low Impact Development (LID) and Green Infrastructure stormwater management practices. It is not adequate to merely recommend these practices; they should be required as a condition of any new permit.

Save The Bay appreciates the opportunity to provide these comments. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "John B. Torgan". The signature is written in a cursive style with a large, looping initial "J".

John B. Torgan
Narragansett Baykeeper